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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Olivier Brique

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EXAMINER

CHEN, SHIN HON

ART UNIT

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2431

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/537,306	<b>Applicant(s)</b> BRIQUE ET AL.	
	<b>Examiner</b> SHIN-HON CHEN	<b>Art Unit</b> 2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-6 have been examined.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities:

In line 17, there is a missing semicolon after the word "message"

In line 20, "module" should be inserted after "security". Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding claim 1, the relationship between the condition block, authorization message, and the request are not clearly defined or related. Furthermore, "the access rights received in an authorization message" in lines 13 and 17 is not clear as to which access rights is associated with what authorization message.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Inoue U.S. Pub. No. 20010020297 (hereinafter Inoue).

8. As per claim 1, Inoue discloses the method of managing the display of event specifications with conditional access, comprising:

sending data forming an electronic program guide to a decoder, this electronic guide serving to display the events which will be broadcast, these data including, for each event, at least one identifier, textual data and a condition block comprising the conditions required for the access to this event (Inoue: [0013]: the EPG includes program information that indicates access conditions associated with the programs),

sending at least one authorization message to a security module associated with the decoder, this message defining access rights to an event (Inoue: [0009]: the contract conditions stored by the apparatus); wherein the access condition contained in the condition block is expressed in the form of an operation described by a request in a structured language (Inoue: figure 7: the comparison of contract condition and condition block are carried out in structured language where conditional statements are applied),

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said request using a combination of at least two parameters, each parameter being selected among the access rights received in an authorization message; initialization data of the security module; data related to the use of the decoder (Inoue: [0009]: the apparatus reads program information that indicates access condition of the program);

said security module including the access rights received in an authorization message; initialization data; data related to the use of the decoder (Inoue: [0010] lines 10-15: the reading the information about selected program);

said structured language motor seeking in the security module (Inoue: [0010] lines 14-15: the program information reading device provides data to the determining device), resulting data corresponding to the parameters of the condition block, and executing the combination of said resulting data as defined in the condition block (Inoue: [0010] lines 14-15: the determining device determines whether the selected program is allowed to be viewed),

returning to the decoder the result of the combination (Inoue: [0010] lines 17-22: display the result); and

displaying the list of events distinguishing for each event, whether the security module has the rights or not (Inoue: [0010] lines 17-22).

9. As per claim 3, Inoue discloses the method of claim 1. Inoue further discloses wherein an event is encrypted by at least one control word, these control words are transmitted to the decoder in the form of an encrypted control message also comprising the access conditions, this process consisting in transmitting in the condition block all or part of the control message (Inoue: [0048]).

10. As per claim 4, Inoue discloses the method of claim 3. Inoue further discloses wherein the condition block only includes the data relating to the access conditions contained in the control message (Inoue:[0015]: program information includes viewing conditions of the programs).

11. As per claim 5 and 6, Inoue discloses the method of claim 4. Inoue further discloses wherein said data related to the access conditions are sent in encrypted or clear form in the condition block (Inoue: [0048]: the programs and its associated viewing conditions are sent in either clear or encrypted form depending on whether they are conditional access programs).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Inoue.

14. As per claim 2, Inoue discloses the method of claim 1. Inoue does not explicitly disclose wherein the request is written in SQL language (Structured Query Language). However, Inoue discloses the process of retrieving contract condition and access conditions for comparison in a content access control system (Inoue: [0009]-[0010]). Although Inoue does not explicitly

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disclose using SQL language to query the contract conditions stored within the set-top box, one with ordinary skill in the art would adopt various structured language including, but not limited, to SQL for performing data retrieval and comparison based on design choice.

### ***Response to Arguments***

15. Applicant's arguments filed on 12/8/08 have been fully considered but they are not persuasive.

Regarding applicant's remarks, applicant mainly argues that the prior art of record does not explicitly disclose "a request in a structured language" and "request using a combination of at least two parameters". However, the examiner disagrees. The examiner has interpreted the conditional statement as structure language (Inoue: figure 7) with broadest reasonable interpretation. Furthermore, the examiner has indicated that the request claimed in claim 1 is not clear as to how it operates with condition block and authorization message and rejected this limitation by relying on contract information disclosed by Inoue ([0010]). Therefore, applicant's argument is traversed based on above explanation.

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***Conclusion***

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIN-HON CHEN whose telephone number is (571)272-3789. The examiner can normally be reached on Monday through Friday 8:30am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ayaz R. Sheikh/  
Supervisory Patent Examiner, Art Unit 2431

Shin-Hon Chen  
Examiner  
Art Unit 2431

SC